

RESOLUTION 16-01

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 219- EQUIPMENT NOT REQUIRING A PERMIT AND DIRECTING STAFF ACTIONS.

On May 23, 2016, on motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **ROBERT LEONE**, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the MDAQMD is proposing to amend Rule 219 – *Equipment Not Requiring a Permit* for inclusion in the current rulebook; and

WHEREAS, this rule sets forth which equipment is too small to need a permit; and

WHEREAS, the proposed amendments will clarify existing policies and may potentially require several permits at a minority of facilities; and

WHEREAS, the MDAQMD amended Rule 219 on August 23, 2010 to implement portions of the provisions of Senate Bill 700 of 2002 (SB 700) by requiring all agricultural sources that meet certain thresholds of animals or regulated pollutants to obtain permits like other regulated sources; and

WHEREAS, subsequent to this amendment, the California Air Resources Board (CARB) provided a more detailed interpretation on the provisions in SB 700 relating to the permitting thresholds for minor agricultural sources; and

WHEREAS, SB 700 requires districts in California to permit agricultural sources with actual emissions at or above one half the major source threshold and prohibits districts from permitting agricultural sources with actual emissions less than one half the major source threshold; and

WHEREAS, CARB had never defined which major source threshold should be referred to for permitting agricultural sources ((1) the State Implementation Plan (SIP)-approved threshold, (2) the most recent locally adopted threshold, or (3) the threshold corresponding with the current federal attainment status in 40 CFR 81.305); and

WHEREAS, CARB has clarified that the permitting threshold for minor agricultural sources should be the most stringent of any major source threshold; and

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1 **WHEREAS**, the MDAQMD must now amend Rule 219 in accordance with the CARB
2 interpretation so that the agricultural source exemption threshold corresponds to a SIP or Federal major
3 source threshold; and

4 **WHEREAS**, this amendment also sets forth clarification and MDAQMD policy regarding the
5 exemption of combustion sources used in steam cleaning operations; and

6 **WHEREAS**, combustion sources associated with steam cleaning are exempt from permit
7 requirements provided they are also exempt pursuant to the general combustion source in subsection
8 (E)(2)(b) of the rule; and

9 **WHEREAS**, the combustion unit exemption provided for under subsection (E)(2)(b) only applies
10 if the aggregate of all combustion sources associated with the same process is less than 2,000,000 Btu/hr
11 and if the unit(s) are fired exclusively with natural gas or liquefied petroleum gas; and

12 **WHEREAS**, the equipment which applies steam to substrates for the sole purpose of removing
13 grease, dirt and other residues is exempt from permit requirements but the exclusion does not apply to
14 associated combustion units unless they are below the permitting threshold under (E)(2)(b); and

15 **WHEREAS**, the exemption for welding is also proposed for modification to reflect requirements
16 in the *Rule and Implementation Information for Nine Metal Fabrication and Finishing Area Source*
17 *Categories* (40 CFR 63 Subpart XXXXXX) which regulates nine (9) industrial processes, including
18 welding; and

19 **WHEREAS**, language has been added to address welding operations that have the potential to
20 emit Hazardous Air Pollutants (HAP), including cadmium, chromium, lead, manganese or nickel; and

21 **WHEREAS**, proposed rule language has been derived from South Coast Air Quality Management
22 District (SCAQMD) Rule 219 and 40 CFR Part 63 National Emissions Standards for HAPs: Area Source
23 Standards for Nine Metal Fabrication and Finishing Source Categories; and

24 **WHEREAS**, abrasive blasting requirements have been proposed for amendment to include
25 portable sand/water blaster equipment and associated internal combustion engine provided the water in
26 the mixture is 66 percent or more by volume is maintained during operation of such equipment; and

27 **WHEREAS**, the associated internal combustion engines must be exempt pursuant to (E)(2)(a);
28 and

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1 **WHEREAS**, the proposed rule language for abrasive blasting has been derived from SCAQMD
2 Rule 219; and

3 **WHEREAS**, at the request of industry, permitting requirements for spray coating equipment is
4 being modified to recognize the properties of high viscosity coatings; and

5 **WHEREAS**, specifically, Volatile Organic Compound (VOC) emissions from application
6 equipment (including clean-up) are exempted to three (3) pounds per day or less or 66 pounds per
7 calendar month or less; and

8 **WHEREAS**, the proposed rule language for spray coating equipment has been derived from
9 SCAQMD Rule 219; and

10 **WHEREAS**, the proposed amendments to the rule are necessary to address a more detailed
11 interpretation by CARB of SB 700 provisions, and to update Rule 219 provisions applying to steam
12 cleaning, welding, abrasive blasting, and coating or adhesive application or laminating equipment; and

13 **WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to amend rules and
14 regulations; and

15 **WHEREAS**, the proposed amendments are clear in that the meaning can be easily understood by
16 the persons impacted by the rule; and

17 **WHEREAS**, the proposed amendments are in harmony with, and not in conflict with, or
18 contradictory to existing statutes, court decisions, or state or federal regulations, and do not interfere with
19 any federal applicable requirement concerning attainment or Reasonable Further Progress (RFP) pursuant
20 to the Federal Clean Air Act (FCAA); and

21 **WHEREAS**, the proposed amendments do not impose the same requirements as any existing state
22 or federal regulation because state law requires the adoption and implementation of the provisions of
23 SB700; and

24 **WHEREAS**, the proposed amendments are needed to address a more detailed interpretation by
25 CARB of SB 700 provisions, and to update Rule 219 provisions applying to steam cleaning, welding,
26 abrasive blasting, and coating or adhesive application or laminating equipment; and

27 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code
28 §40725, concerning the proposed amendments to Rule 219; and

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WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed amendments to Rule 219, completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed amendments to Rule 219, and the Governing Board of the MDAQMD having determined that the proposed amendments will not have any potential for resulting in any adverse impact upon the environment; and

WHEREAS, the Governing Board of the MDAQMD has considered the evidence presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the proposed amendments to Rule 219 – *Equipment Not Requiring a Permit* are necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed amendments to Rule 219; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule 219, as set forth in the attachments to this resolution and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions of CEOA.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District by the following vote:

AYES: 7 MEMBER: **DECONINCK, COLE, GRACEY, STANTON, RIORDAN, COX, LEONE**

NOES: MEMBER:

ABSENT: 6 MEMBER: **BENOIT, LOVINGOOD, RUSS, RAMOS, CAMARGO, WILLIAMS**

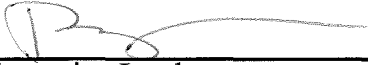
ABSTAIN: MEMBER:

STATE OF CALIFORNIA }
 } SS:

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COUNTY OF SAN BERNARDINO)

I, Deanna Hernandez, Executive Lead of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of May 23, 2016.



Executive Lead,
Mojave Desert Air Quality Management District.